

Richmond: Federal board rejects safety recommendations stemming from Chevron refinery fire

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RICHMOND -- In a move described by agency officials as highly unusual, a divided U.S. Chemical Safety Board on Wednesday night refused to endorse the centerpiece recommendation from its staff's 115-page report on last year's massive Chevron refinery fire.

At the heart of the split made public at a packed Richmond City Council chamber was whether the system for regulating oil refineries should be overhauled to mirror the European model that focuses on continually reducing accident risks, as proposed in the staff report, or whether more emphasis should be placed on strengthening the current oversight system.

The safety board recommendation, which would force the industry to demonstrate that it is operating as safely as possible through written reports reviewed by regulators, has come under fire from industry, the scientific community and labor and political interests.

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Many of the concerns center on whether the so-called safety case regime would add unnecessary costs, complexity and uncertainty to the monitoring of oil refineries and detract from efforts to enhance local and state laws and resources.

"There may be more immediate benefits from beefing up the current system," said Kim Nibarger, a health and safety specialist for the United Steelworkers.

"We don't want the perfect to be the enemy of the good."

But advocates of the proposal insist that the model would shift the emphasis in refinery regulation from reacting to safety problems as they arise to forcing companies to use the best available materials and practices to prevent conditions that might lead to catastrophic accidents, such as the corroded pipe that sparked the Chevron fire.

The Chemical Safety Board is an investigative agency with no enforcement powers, but its recommendations are expected to influence state, county and local policies regulating refineries. A state refinery task force is also working on recommendations, and a state law passed last year increases the number of refinery inspectors.

Two of the three board members voted against adopting the sweeping recommendations Wednesday night, directing staff to make changes within 120 days.

"The goal is to make the report stronger," safety board member Beth Rosenberg said. "It's a long-term plan, but you need more immediate remedies."

The report and recommendations stemmed from the Aug. 6, 2012, fire, which was blamed on corroded pipes neglected by Chevron officials. The blaze sent more than 15,000 people to area hospitals and shut down one of the West Coast's major crude units for months.

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CSB Chairman Rafael Moure-Eraso, the only member who voted to approve the plan, released a statement Thursday criticizing his colleagues' decision. "It's a missed opportunity to promote fundamental change in safety management by adopting the safety case regime," he said. "The call for 'additional study' on a clearly mature, already well-studied safety management system is another way to continue 'kicking the can' down the road by delaying changes to the current system, which has failed to prevent catastrophic accidents."

The draft report recommends that California replace the current patchwork of largely reactive regulations with a more rigorous, performance-based regulatory regime. Safety case reports generated by the company would be rigorously reviewed, audited and enforced by highly trained regulatory inspectors, whose technical training and experience are on par with the personnel employed by the companies they oversee, the draft report says.

In public comments on the initial report released by the board, Chevron and petroleum industry interests led the charge against the recommendations.

Chevron commented in the report "that the transition to a safety case system in California will result in accidents as it will detract from safe operations and degrade safety."

But the third voting member of the board, Mark Griffon, said criticism submitted by industry officials and scientists "indicates more study is needed." He said he wanted more recommendations about strengthening existing enforcement powers held by state and county regulators.

Rep. George Miller, D-Martinez, and West Contra Costa County Supervisor John Gioia submitted letters at the meeting seeking more focus on stiffening existing county and state enforcement mechanisms, including the state Division of Occupational Safety and Health (Cal/OSHA).

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"There are near-term opportunities for improvement in Cal/OSHA and the Contra Costa County Health Services programs that were excluded from CSB's report," Miller wrote.

"Many refinery safety experts, including your own CSB staff, believe that Contra Costa County has the most effective industrial safety ordinance in the United States," wrote Gioia, who added in an interview Thursday that he remains open to adopting the safety case regime as well.

In a statement released earlier Wednesday, Western States Petroleum Association President Catherine Reheis-Boyd wrote that moving too quickly to adopt some of the programs recommended by the CSB could inject significant complexity and confusion into long-standing and successful safety programs.

Richmond Mayor Gayle McLaughlin remained steadfast in her support of the CSB's recommendations, and signaled that the city would step up its regulatory role if the CSB scaled back its recommendations.

"We need this, it focuses on prevention," McLaughlin said. "We will not move forward with any local permits (for construction at the refinery) until the safety case regime is implemented."

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